

From: Rochlin, Kevin
Sent: Friday, September 27, 2013 9:15 AM
To: Douglas.Tanner; Greutert, Ed [USA]; Kelly Wright; Scott Miller; Stifelman, Marc; Susan H; Zavala, Bernie
Cc: Rochlin, Kevin; Sheldrake, Beth; Jennings, Jannine
Subject: Kevin Oversight Proposal
Attachments: FMC review team instructions.docx

I was going to send this out next week for our first call, but since I asked for people's ideas, I wanted to send this out to give you something to look at first.

Kevin

EPA Project Review Strategy

Proposal:

Kevin Rochlin 9/27/13

Deliverables:

- 1) FMC deliverables. FMC sends deliverables directly to EPA (Kevin), IDEQ (Bruce, Dough, Scott), and Tribes (Kelly and Susan). Additional distribution up to the individual leads.
- 2) The ROD and SOW are the ruling documents for the current remedial action, and comments must be consistent with those documents.
- 3) Each team provides comments to EPA in timely fashion. EPA forwards comments to FMC to address.
 - a. This is the only site I have worked on where it is done this way. Normally EPA team would go through the comments determine which comments EPA agreed with, and combine comments into one comment set of "EPA comments" that the PRP is required to address. That way, EPA is defending the comments. EPA then provides the other review teams a reason for why their particular comment was not adopted. Each party would still be able to forward individual comment sets. The important thing here is that EPA has enforcement authority for EPA comment sets.
 - b. Under the current system, if EPA does not support a comment, and FMC does not provide a satisfactory answer, EPA's recourse is to just send back a response from the party who provided the comment, but EPA will not require a change in the document if we do not support the comment (again because we are using enforcement authority for EPA comments).
 - c. Many times comment sets contain comments that are not germane to the document in question, but rather are placeholders for later issues, or litigation related statements. All parties including EPA do this. EPA has no problem with these in your comment sets. This is why I do not normally use the current method. If FMC provides answers that a party does not like, but the comment is not related to the document in question, I cannot "defend" the comment as EPAs.
- 4) EPA will review comment set responses at weekly conference calls, and then move forward with responses.
- 5) If a document is resubmitted, review must again be in a timely matter.

Meetings:

- 1) EPA and the review team will have weekly or biweekly telecom meetings. A set time each week will be agreed to and followed.
- 2) If the group desires, I will also set up a weekly meeting for FMC to review their progress with the review team.
- 3) If other subset groups are needed these will be scheduled as well i.e various technical sub teams. Any subteam groups will report back to the larger group.
- 4) There will be times that FMC will call EPA to discuss an issue. EPA will report out the results of the discussion to the group.
- 5) EPA and the EPA contracting team will periodically discuss issues together in order to develop an EPA position/opinion. If I think it is of interest to other members of the team, I will send out an open invitation, for anyone who is available to listen in. Since these are EPA internal meetings, their scheduling is not planned or may not have any lead time. Information from these meetings will be provided to the group for response as appropriate.
- 6) If FMC is making a proposal of a position, a telecom will be scheduled in advance.

Work Change Orders:

There are going to be times that field changes are required. These will need to be done quickly to keep the project going.

As I have asked the group how they want to handle these, I have removed this section.